

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Steven W. Kim, et al.

Serial No.: Not Yet Assigned  
[DIV of Serial No. 09/933,295]

Filed: Herewith

For: DEFORMABLE SCAFFOLDING  
MULTICELLULAR STENT

)  
) **Group Art Unit:** Not Yet Assigned  
) [parent application  
) Group Art Unit 3738]  
)

) **Examiner:** Note Yet Assigned  
) [parent application  
) Examiner David J. Isabella]  
)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, and, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items listed on the attached form PTO/SB/08A are not supplied. Copies of the cited references were previously cited by or submitted to the Patent Office in connection with the prior application U.S. Serial No. 09/933,295, which this application claims priority under 35 U.S.C. § 120.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450; on this date listed below.

7/9/03

Date of Deposit

Joahyn L. Lee

Joahyn L. Lee

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

**STATEMENT UNDER 37 CFR § 1.97(e):**

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after

making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

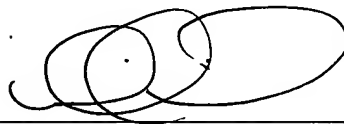
**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).
- ☐ Please charge \_\_\_\_\_ to Deposit Account No. **50-2518** for the above fee(s).
- ☒ Although applicant believes no fee is required, the Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's Deposit Account No. **50-2518**, billing reference number 2024768-7030195001.

Respectfully submitted,

Dated: 7/9/03

By: \_\_\_\_\_



William A. English  
Reg. No. 42,339

**BINGHAM McCUTCHEN LLP**  
Three Embarcadero, Suite 1800  
San Francisco, CA 94111-4067  
Telephone: (213) 680-6831  
Facsimile: (213) 680-6499



Substitute for form 1449A-PTO

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

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of

3

Complete if Known

Application Number

Not Yet Assigned

Filing Date

Herewith

First Named Inventor

Steven W. Kim

Art Unit

Not Yet Assigned

Examiner Name

Not Yet Assigned

Attorney Docket Number

266/065 DIV1  
(2024768-7030195001)

## **U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code <sup>2</sup> (if known)			
	1	US-4,739,768	11-15-94	Engelson	
	2	US-4,800,882	01-31-89	Gianturco	
	3	US-4,861,336	08-29-89	Helzel	
	4	US-5,035,706	07-30-91	Giantureo et al.	
	5	US-5,135,536	08-04-92	Hillstead	
	6	US-5,282,824	02-01-94	Giantureo	
	7	US-5,314,472	05-24-94	Fontaine	
	8	US-5,366,490	11-22-94	Edwards et al.	
	9	US-5,383,892	01-24-95	Cardon et al.	
	10	US-5,507,767	04-16-96	Maeda et al.	
	11	US-5,527,354	06-18-96	Fontaine et al.	
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	13	US-5,545,210	08-13-96	Hess et al.	
	14	US-5,573,508	11-12-96	Thornton	
	15	US-5,591,197	01-07-97	Orth et al.	
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	17	US-5,591,230	01-07-97	Horn et al.	
	18	US-5,603,698	02-18-97	Roberts et al.	
	19	US-5,628,754	05-13-97	Shevlin et al.	
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	21	US-5,697,971	12-16-97	Fischell et al.	
	22	US-5,702,418	12-30-97	Ravenscroft	
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	28	US-5,725,572	03-10-98	Lam et al.	
	29	US-5,733,267	03-31-98	Del Toro	
	30	US-5,733,325	03-31-98	Robinson et al.	

Examiner's  
SignatureDate  
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 3	Attorney Docket Number	266/065 DIV1 (2024768-7030195001)
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31	US-5,735,893	04-07-98	Lau et al.	
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40	US-5,759,192	06-02-98	Saunders	
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59	US-5,855,600	01-05-99	Alt	
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67	US-6,206,911 B1	03-27-01	Milo	
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Examiner's Signature	Date Considered
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Sheet	1	of	1
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Attorney Docket Number	<b>266/065 DIV1</b> <b>(2024768-7030195001)</b>
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